

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

N. S. & T. Inc.,	:	
Plaintiff,	:	Case No. 2:06-cv-186
v.	:	Judge Watson
Kin Tsan Cheung,	:	Magistrate Judge Abel
Defendant.	:	

REPORT AND RECOMMENDATION

On December 13, 2006, this Court entered an Order (doc. 28) requiring Defendant Kin Tsan Cheung to show cause within 11 days of its date of why default judgment should not be entered against him for his failure to comply with the Court's November 3, 2006 order and for his failure to defend this lawsuit. Defendant has failed to respond to this Order. He has taken no action to defend this lawsuit since his attorney withdrew. Accordingly, the Magistrate Judge RECOMMENDS that default be entered against Defendant Kin Tsan Cheung for failure to comply with an order of the court and for failure to defend.

If any party objects to this Report and Recommendation, that party may, within ten (10) days, file and serve on all parties written objections, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1)(B); Rule 72(b), Fed. R. Civ. P.

The parties are specifically advised that failure to object to the Report and

Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also, Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel
United States Magistrate Judge